



BRIEF ON APPEAL  
Serial Number: 10/623,2234  
Filing Date: July 17, 2004  
Title: CARD SHUFFLER WITH CARD RANK AND VALUE READING

Page 1 of 47

Docket No.: PA0863.ap.US

S/N 10/623,223

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Attila Grauzer, et al.	Examiner:	HALL, Arthur O.
Serial No.	10/623,223	Group Art Unit:	3709
Filed:	July 17, 2004	Docket No.	PA0863.ap.US
Title:	CARD SHUFFLER WITH CARD RANK AND VALUE READING		

**MAIL STOP: APPEAL BRIEF - PATENTS**

P.O. BOX 1450

Commissioner for Patents

Alexandria, VA22313-1450

Sir:

The U.S. Patent and Trademark Office is hereby authorized to debit any costs and fees associated with this Petition to Deposit Account No. 50-1391. Appellant(s) is submitting this single copy of the Appeal Brief in Compliance with the requirements of 37 CFR 41.37(c). This Brief on Appeal is being filed in response to the issues and rejections presented by the PTO in a Final Rejection mailed September 2007. Appellant requests a personal appearance at the Board of Appeals, but will defer payment of the fee until after receipt of the Examiner's Answer.

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: MAIL STOP: APPEAL BRIEF - PATENTS, P.O. BOX 1450, Commissioner for Patents, Alexandria, VA 22313-1450 \_\_\_\_\_, 2007.

Mark A. Litman  
Name

Signature

04/29/2008 MBELETE1 00000005 501391 10623223

510.00 UP

01 FC:1402

**BRIEF ON APPEAL**

Serial Number: 10/623,2234

Filing Date: July 17, 2004

Title: CARD SHUFFLER WITH CARD RANK AND VALUE READING

---

Page 2 of 47

Docket No.: PA0863.ap.US

**TABLE OF CONTENTS**

1. Real party in interest	page(s)
2. Related appeals and interferences	page(s)
3. Status of claims	page(s)
4. Status of amendments	page(s)
5. Summary of claimed subject matter	page(s)
6. Grounds of rejection to be reviewed on appeal	page(s)
7. Argument	page(s)
8. Claims appendix	page(s)
9. Evidence appendix	page(s)
10. Related proceedings appendix	page(s)

**BRIEF ON APPEAL**

Serial Number: 10/623,2234

Filing Date: July 17, 2004

Title: CARD SHUFFLER WITH CARD RANK AND VALUE READING

---

Page 3 of 47

Docket No.: PA0863.ap.US

**REAL PARTY IN INTEREST**

The real party in interest in this Appeal is the assignee of the full right, title and interest in this Application, Shuffle Master, Inc., having a place of business at 1106 Palms Airport Drive, Las Vegas, Nevada 89119-3730.

**BRIEF ON APPEAL**

Serial Number: 10/623,2234

Filing Date: July 17, 2004

Title: CARD SHUFFLER WITH CARD RANK AND VALUE READING

---

Page 4 of 47

Docket No.: PA0863.ap.US

**RELATED APPEALS AND INTERFERENCES**

The Appellant(s), the legal representative prosecuting this application and Appeal, and the assignee are not aware of any Appeals or Interferences that will directly affect or have a bearing on the Board's of Patent Appeals and Interferences decision in this pending Appeal.

**BRIEF ON APPEAL**

Serial Number: 10/623,2234

Filing Date: July 17, 2004

Title: CARD SHUFFLER WITH CARD RANK AND VALUE READING

---

Page 5 of 47

Docket No.: PA0863.ap.US

**STATUS OF CLAIMS**

Claims 1-55, all of the claims in the application have been finally rejected.

Claims 1-55, all of the claims in the application, are on Appeal.

### **STATUS OF AMENDMENTS**

An Amendment was filed under 37 C.F.R. 1.116 after Final Rejection in this Application on 26 November 2007, in which purely editorial correction of claim dependency was made.

Although an Advisory Action on PTOL-303 was sent, indicating that the rejections were not overcome by the response, no comment on the entrance or refusal of the editorial amendments was made on the record. Because of the editorial amendment of the claims, e.g., claims 9 and 19, it will be assumed that the amendments were entered.

All amendments to the claims previously submitted have been entered without objection.

### **SUMMARY OF CLAIMED SUBJECT MATTER**

All of the following independent claims present on Appeal are mapped below for antecedent basis in the original disclosure:

#### **Claim 1 is an original claim, without amendment from filing**

1. A device for forming a random set of playing cards comprising: [Page 8, line 19]
  - a top surface and a bottom surface of said device; [Page 8, lines 19-20]
  - a single card receiving area for receiving an initial set of playing cards; [Page 8, lines 20-21 and Figures 1 and 2]
  - a randomizing system for randomizing the order of an initial set of playing cards; [Page 8, lines 22-24]
  - a collection surface in a card collection area for receiving randomized playing cards one at a time into the card collection area, the collection surface receiving cards so that all cards are received below the top surface of the device; [Page 8, lines 24-25; Abstract of the Disclosure]
  - an image capture device that reads the rank and suit of each card before being received on the card collection surface; [Page 9, lines 7-11]
  - an elevator for raising the collection surface so that at least some randomized cards are elevated at least to the top surface of the device; and [Page 8, lines 26-28]
  - a moveable cover over the elevator. [Page 30, lines 14-19]

#### **Claim 23 is an original claim, without amendment from filing**

23. A device for forming a random set of playing cards comprising: [Page 8, line 19]
  - a top surface and a bottom surface of said device; [Page 8, lines 19-20]
  - a receiving area for an initial set of playing cards; [Page 8, lines 20-21 and Figures 1 and 2]

a randomizing system for randomizing initial set of playing cards; [Page 8, lines 22-24]

a collection surface in a card collection area for receiving randomized playing cards; [Page 8, lines 24-25]

an elevator for raising the collection surface within the card collection area; [Page 8, lines 26-28]

at least one card supporting element within the card collection area that will support a predetermined number of cards within the card collection area; and [Page 9, lines 20-22]

an image capture system that can read at least the rank of each at least one card before it is inserted into a set of cards at a position below the predetermined number of cards. [Page 9, lines 7-11]

**Claim 30 is an original claim, without amendment from filing**

30. A device for forming a random set of playing cards comprising: [Page 8, line 19]

a top surface and a bottom surface of said device; [Page 8, line 19-20]

a single card receiving area for receiving an initial set of playing cards; [Page 8, lines 20-21 and Figures 1 and 2]

a randomizing system for randomizing the order of an initial set of playing cards; [Page 8, lines 22-24]

a collection surface in a card collection area for receiving randomized playing cards one at a time into the card collection area, the collection surface receiving cards so that all cards are received below the top surface of the device; [Page 8, lines 24-25;

**Abstract of the Disclosure]**

an image capture device that reads the rank and suit of each card after it has begun leaving the single card receiving area and before being received on the card collection surface; [Page 9, lines 7-11]



an elevator for raising the collection surface so that at least some randomized cards are elevated at least to the top surface of the device; and [Page 8, lines 26-28]  
a moveable cover over the elevator. [Page 30, lines 14-19]

**Claim 31 was amended during prosecution, without objection**

31. An automatic card shuffling device comprising: [Page 8, line 19]

a microprocessor with memory for controlling the operation of the device; [Page 10, lines 15-20]

an in-feed compartment for receiving cards to be randomized; [Page 10, lines 17-20]

a card moving mechanism for moving cards individually from the in-feed compartment into a single card mixing compartment that receives all cards during a randomization process; [Page 10, lines 20-23]

an image capture system that can identify at least the rank of each card as it is moved towards, into or through the card mixing compartment, but before removal from the device; [Page 9, lines 7-11; original claim 31]

a card mixing compartment that identifies a position for each card in each set of cards formed in the card mixing compartment, [Page 8, lines 22-24; Page 19, lines 4-10;

a memory that records at least the rank of each card in each set of cards formed in the card mixing compartment; [Page 63, lines 17-28; original claims 29 and 31]

wherein the card mixing compartment comprises a plurality of substantially vertical supports, an opening for the passage of cards from the in-feed compartment, a moveable lower support surface; at least one stationary gripping element, a gripping arm, a lower edge proximate the opening, the gripping arm capable of suspending cards above the opening; and [Page 8, line 19 – page 9, line 11; original claim 31]

an elevator for raising and lowering the moveable support surface. [Page 8, lines 26-28]

**Claim 37 is an original claim, without amendment from filing**

37. A method of randomizing a group of cards, comprising the steps of: [Page 12, lines 1-5]

placing a group of cards to be randomized into a card in-feed tray; [Page 12, lines 1-5; Page 47, lines 1-12]

removing cards individually from the card in-feed tray and delivering the cards into a card collection area, the card collection area having a moveable lower surface, and a stationary opening for receiving cards from the in-feed tray; [Page 47, lines 1-12]

elevating the moveable lower surface to a randomly determined height; [Page 47, lines 1-12]

grasping at least one edge of a group of cards in the card collection area at a point just above the stationary opening; [Page 47, lines 1-12]

lowering the moveable lower surface to create an opening in a stack of cards formed on the lower surface, the opening located just beneath a lowermost point where the cards are grasped; [Page 47, lines 1-12]

inserting a card removed from the in-feed tray into the opening; [Page 47, lines 1-12] after randomizing all cards, elevating a collection of randomized cards; and [Page 47, lines 1-12]

reading at least the rank of each card after it is individually removed from the card in-feed tray and before it has been inserted into the opening. [Page 47, lines 14-17; Page 9, lines 7-11; original claim 31]

**Claim 39 was amended during prosecution, without objection**

39. A method of arranging a group of cards into a desired order [Page 47, lines 14-17] in a computer controlled automatic card shuffler, [Page 46, lines 16-24] the card shuffler comprising an in-feed tray, a feed mechanism, a card arranging area, a retaining device for suspending cards in the card arranging area, a lower support surface in the card arranging area and an elevator for raising and lowering the lower support surface, the method comprising: [Page 47, lines 1-12; original claim 39]

- a) assigning each card in the in-feed tray a final order; and [Page 39, lines 23-27]
- b) feeding each card individually into the card arranging area after at least the rank of each card has been mechanically read to form a final set of cards. [Page 20, lines 10-19]

**Claim 43 was amended during prosecution, without objection**

43. An automatic card shuffler comprising: [Page 8, line 19]

- a housing capable of being mounted into a gaming table surface; [Page 30, lines 20-31]

- a card receiver for accepting a group of cards to be shuffled; [Page 8, lines 20-21 and Figures 1 and 2]

- a randomizing system for randomizing the order of an initial set of playing cards; [Page 8, lines 22-24]

- a single collection surface for receiving all randomized cards; [Page 8, lines 24-28; Figures 1, 2 and 3]

- an elevator for raising the collection surface to an elevation proximate the gaming table surface; and [Page 8, lines 26-28]

- a microprocessor for controlling the operation of the card shuffler. ; [Page 10, lines 15-20]

**Claim 45 is an original claim, without amendment after filing**

45. An automatic card shuffler, comprising: [Page 8, line 19]

a microprocessor; ; [Page 10, lines 15-20]

a card randomization mechanism; [Page 8, lines 22-24; original claim 45]

a controller for controlling the card randomization mechanism by means of a user-manipulated remote control device; and [Page 53, lines 13-17; original claim 45]

a card moving sequence programmed in memory that enables the automatic card shuffler to move a set of cards from a card receiving position to a card collection area in the shuffler in a non-shuffling event, and to read the rank and suit of each card between the card receiving position and the card collection area in the non-shuffling event. [Page 16, lines 4-21; page 63, lines 10-30; page 27, lines 22-25]

**Claim 46 was amended during prosecution, without objection**

46. A device for forming a random set of playing cards comprising: [Page 8, line 19]

a top surface and a bottom surface of said device; [Page 8, line 19-20]

a single card receiving area for receiving an initial set of playing cards; [Page 8, lines 20-21 and Figures 1 and 2]

a randomizing system for randomizing the order of an initial set of playing cards; [Page 8, lines 22-24]

a single collection surface in a card collection area for receiving randomized playing cards one at a time into the single card collection area to form a single randomized set of playing cards, the single collection surface receiving cards so that all playing cards from the initial set of playing cards are received below the top surface of the device; [Page 8, lines 24-25; Abstract of the Disclosure; Page 8, lines 26-28]

an image capture device that reads the rank and suit of each card after it has begun leaving the single card receiving area and before being received on the single card collection surface; and **[Page 9, lines 7-11; original claim 31]**

access into an open area comprising 2, 3 or 4 vertical supports for removal of the single randomized set of playing cards as a complete set. **[Page 54, lines 11-16 and Figures 1 and 2]**

**Claim 54 is an original claim, without amendment after filing**

54. A device for shuffling cards, comprising: **[Page 8, line 19]**

a card receiving area for receiving an initial set of unshuffled cards; **[Page 8, line 20-21]**

a card randomizing system for randomizing an order of the cards; **[Page 8, lines 22-24]**

a first sensor for sensing a position of cards between the card receiving area and the card randomizing system; a second sensor for sensing rank and/or suit of each card; and a microprocessor that activates the second sensor upon receiving a card present signal from the first sensor. **[Page 56, line 23 – page 57, line 10; page 60, lines 15-18].**

**Claim 55 was amended during prosecution, without objection**

55. A device for forming a random set of playing cards comprising: **[Page 8, line 19]**

a top surface and a bottom surface of said device; **[Page 8, line 19-21]**

a single card receiving area for receiving an initial set of playing cards; **[Page 8, lines 21-24 and Figures 1 and 2]**

a randomizing system for randomizing the order of an initial set of playing cards; **[Page 8, lines 22-24]**

a single collection surface in a card collection area for receiving randomized playing cards one at a time into the card collection area, the collection surface receiving

**BRIEF ON APPEAL**

Serial Number: 10/623,2234

Filing Date: July 17, 2004

Title: CARD SHUFFLER WITH CARD RANK AND VALUE READING

---

Page 14 of 47

Docket No.: PA0863.ap.US

cards so that all cards are received above the single collection surface and below the top surface of the device; [Page 9, lines 16-22; Figures 1 and 2; Page 8, lines 24-25;

**Abstract of the Disclosure; Page 8, lines 26-28]**

an elevator for raising the single collection surface to raise at least some randomized cards; and [Page 9, lines 16-22; Figures 1 and 2; Page 8, lines 24-25;

**Abstract of the Disclosure;]**

a moveable cover over the elevator. [Page 30, lines 14-19]

**GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

Solely for the purposes of expediting this Appeal and complying with the requirements of 37 C.F.R. 1.192(c)(7), the following grouping of claims is presented. This grouping is not intended to constitute any admission on the record that claims within groups may or may not be independently asserted in subsequent litigation or that for any judicial determination other than this Appeal, the claims may or may not stand by themselves against any challenge to their validity or enforceability.

1. Claims 1, 3-5, 7-8, 22-23, 29, 30-34, 37, 39, 41-43, 45-47 and 50-54 have been rejected under 35 USC 102(b) as being anticipated by US Patent No. 6,267,248 (Johnson).
2. Claims 6, 9-11, 24-28, 35-36, 38 and 40 have been rejected under 35 USC 103(a) as unpatentable over Johnson in view of US Patent No. 5,683,085 (Johnson II).
3. Claims 12-13 and 48 have been rejected under 35 USC 103(a) as unpatentable over Johnson in view of US Patent No. 5,683,085 (Johnson II) when further considered with US Patent No. 6,250,632 (Albrecht).
4. Claims 14-21 and 26-28 have been rejected under 35 USC 103(a) as unpatentable over Johnson in view of US Patent No. 5,683,085 (Johnson II) when further considered with Purton et al. (International Patent Application Publication WO 00/51076).
5. Claims 2, 44 and 49 have been rejected under 35 USC 103(a) as unpatentable over Johnson in view of US Patent No. 5,683,085 (Johnson II) and further in view of US Patent No. 5,240,140 (Huen).

## ARGUMENT

### **Preliminary Remarks**

Appellants have carefully reviewed the rejections and find that both under the 35 U.S.C. 102(b) rejection and the 35 U.S.C. 103(a) rejections there are such significant absence of teachings of specific and substantive elements recited in the claims that continuance of these rejections, much less affirming of these rejections seems implausible.

For example, with regards to the rejection of claim 1 (and dependent claims 3-5 and 7-8) under 35 U.S.C. 102(b) as clearly shown in the table below, Johnson cannot anticipate this claim as **there is no elevator raising the collection surface so that randomized cards are elevated at least to the top surface. Cards in Johnson always remain below the top surface, with at least shroud 25 existing between cards and the top of the device.** That rejection should be summarily reversed. Additionally, this error is not corrected by teachings of the references cited in the rejections under 35 U.S.C. 103(a).

The identical situation exists with regard to claims 23, 31, 43 and 46 and all claims dependent therefrom, with respect to the same limitation.

The identical situation exists with regard to claim 30 and all claims dependent therefrom, with respect to the same limitation. Additionally, this claim (and any claims dependent therefrom) recites a moveable cover, which is absent from the teachings of the reference cited under 35 U.S.C. 102(b). As multiple substantive elements recited in the claims are absent from the teachings of Johnson (the sole reference used in this rejection), the rejections are clearly untenable.

In the Table, comparisons are provided for each independent claim rejected under 35 U.S.C. 102(b). Appellants specify and explain the absence of teachings by Johnson of specific limitations in the claims. This rejection is clearly shown to fail for egregious reasons of lacking teachings of every substantive element recited within the



claims. The limitations that are not taught are substantive and fundamental components or steps recited in the apparatus or method claims.

- 1. Claims 1, 3-5, 7-8, 22-23, 29, 30-34, 37, 39, 41-43, 45-47 and 50-54 have been rejected under 35 USC 102(b) as being anticipated by US Patent No. 6,267,248 (Johnson).**

As is always the situation where a single reference has been cited under 35 USC 102(b) against claims of an application, it is essential to compare the actual limitations of the claims and the actual teachings of the references, beginning with the independent claims that have been rejected under this statutory provision.

CLAIM 1	JOHNSON DISCLOSURE	COMMENTS
A device for forming a random set of playing cards comprising:		This function of a device is disclosed by Johnson.
a top surface and a bottom surface of said device;		All physical apparatus have a nominative top and bottom.
a single card receiving area for receiving an initial set of playing cards;	"...holding means 12..."	
a randomizing system for randomizing the order of an initial set of playing cards;		This function can be provided by Johnson.
a collection surface in a card collection area for receiving randomized playing cards one at a time into the card collection area, the collection surface receiving cards so that all cards are received below	Johnson provides multiple collection surfaces (the compartments 24) for receiving cards one-at-time.	

**BRIEF ON APPEAL**

Serial Number: 10/623,2234

Filing Date: July 17, 2004

Title: CARD SHUFFLER WITH CARD RANK AND VALUE READING

Page 18 of 47

Docket No.: PA0863.ap.US

the top surface of the device;		
an image capture device that reads the rank and suit of each card before being received on the card collection surface;		Johnson discloses card reading before deposit into the carousel on column 5, lines 7-11.
an elevator for raising the collection surface so that at least some randomized cards are elevated at least to the top surface of the device; and		<b>There is no elevator raising the collection surface so that randomized cards are elevated at least to the top surface. Cards in Johnson always remain below the top surface, with at least shroud 25 existing between cards and the top of the device.</b>
a moveable cover over the elevator.		<b>As there is no elevator, there can be no moveable cover over the elevator.</b>

As should be readily seen, Johnson does not anticipate the present limitation of claim 1 and all claims dependent therefrom. This rejection, with respect to claim 1 and all claims dependent therefrom is clearly in error. There are at least three distinct limitations in the claims that are not taught by Johnson:

- 1) An elevator;
- 2) Raising cards above the top surface by the elevator; and
- 3) A cover over the elevator.

Applicants are so certain of the lack of anticipation of the invention disclosed in claim 1, a new claim 55 was added during prosecution that eliminates the second distinguishing limitation, as the sufficiency of the differences provided by limitations 1) and 3) is sufficient to establish patentability over the art.

**BRIEF ON APPEAL**

Serial Number: 10/623,2234

Filing Date: July 17, 2004

Title: CARD SHUFFLER WITH CARD RANK AND VALUE READING

Page 19 of 47

Docket No.: PA0863.ap.US

The following claim chart will illustrate why the rejection under 35 USC 102(e) is in error with respect to claim 23. This rejection must fail.

<b>CLAIM 23</b>	<b>JOHNSON</b>	<b>COMMENTS</b>
A device for forming a random set of playing cards comprising:		This function of a device is disclosed by Johnson.
a top surface and a bottom surface of said device;		All physical apparatus have a nominative top and bottom.
a receiving area for an initial set of playing cards	"...holding means 12..."	
a randomizing system for randomizing initial set of playing cards;		This function can be provided by Johnson.
a collection surface in a card collection area for receiving randomized playing cards;	Johnson provides multiple collection surfaces (the compartments 24) for receiving cards one-at-time.	
an elevator for raising the collection surface within the card collection area;		<b>There is no elevator raising the collection surface so that randomized cards are elevated at least to the top surface. Cards in Johnson always remain below the top surface, with at least shroud 25 existing between cards and the top of the device.</b>
at least one card supporting element within the card collection area that will support a predetermined number of cards within the card collection area; and		<b>There is no card supporting element in any card collecting area of Johnson that supports a predetermined number of cards. This is the grasping feature or gripping arm feature discussed above.</b>
an image capture system that can read at least the		Johnson discloses card reading before deposit into

**BRIEF ON APPEAL**

Serial Number: 10/623,2234

Filing Date: July 17, 2004

Title: CARD SHUFFLER WITH CARD RANK AND VALUE READING

Page 20 of 47

Docket No.: PA0863.ap.US

rank of each at least one card before it is inserted into a set of cards at a position below the predetermined number of cards.		the carousel on column 5, lines 7-11.
---	--	---------------------------------------

As should be readily seen, Johnson does not anticipate the present limitation of claim 23 and all claims dependent therefrom. This rejection, with respect to claim 23 and all claims dependent therefrom is clearly in error. There are at least one additional distinct limitation in the claims that is not taught by Johnson:

4) An elevator..

This rejection is clearly in error and must be withdrawn.

The following claim chart will illustrate why the rejection under 35 USC 102(e) is in error with respect to claim 30. This rejection must fail.

CLAIM 30	JOHNSON	COMMENTS
A device for forming a random set of playing cards comprising:		This function of a device is disclosed by Johnson.
a top surface and a bottom surface of said device;		All physical apparatus have a nominative top and bottom.
a single card receiving area for receiving an initial set of playing cards;	"...holding means 12..."	
a randomizing system for randomizing the order of an initial set of playing cards;		This function can be provided by Johnson.
a collection surface in a card collection area for receiving randomized playing cards one at a time into the card collection area, the collection surface receiving cards so that all	Johnson provides multiple collection surfaces (the compartments 24) for receiving cards one-at-time.	

**BRIEF ON APPEAL**

Serial Number: 10/623,2234

Filing Date: July 17, 2004

Title: CARD SHUFFLER WITH CARD RANK AND VALUE READING

Page 21 of 47

Docket No.: PA0863.ap.US

cards are received below the top surface of the device;		
an image capture device that reads the rank and suit of each card after it has begun leaving the single card receiving area and before being received on the card collection surface;	Johnson discloses card reading before deposit into the carousel on column 5, lines 7-11.	
an elevator for raising the collection surface so that at least some randomized cards are elevated at least to the top surface of the device; and		<b>There is no elevator raising the collection surface so that randomized cards are elevated at least to the top surface. Cards in Johnson always remain below the top surface, with at least shroud 25 existing between cards and the top of the device.</b>
a moveable cover over the elevator.		<b>As there is no elevator, there can be no moveable cover over the elevator.</b>

It should be noted that there is absolutely no way that the disclosed receiving carousel of Johnson can be considered to meet the limitation of an elevator. The function and meaning of elevators and carousels within the playing card shuffling art are different. Carousels rotate individual compartments, while the elevator of the present technology raises and lowers entire groups of playing cards, without separate compartmentalization.

As is shown by the above comparison, there is no basis for maintaining the rejection of claim 30 under 35 USC 102(a) over Johnson.

The following claim chart will illustrate why the rejection under 35 USC 102(e) is in error with respect to claim 31. This rejection must fail.

**BRIEF ON APPEAL**

Serial Number: 10/623,2234

Filing Date: July 17, 2004

Title: CARD SHUFFLER WITH CARD RANK AND VALUE READING

Page 22 of 47

Docket No.: PA0863.ap.US

<b>CLAIM 31</b>	<b>JOHNSON</b>	<b>COMMENTS</b>
An automatic card shuffling device comprising:		This function of a device is disclosed by Johnson.
a microprocessor with memory for controlling the operation of the device;		Johnson discloses a microprocessor
an in-feed compartment for receiving cards to be randomized;	"...holding means 12..."	
a card moving mechanism for moving cards individually from the in-feed compartment into a <u>single</u> card mixing compartment <u>that receives all cards during a randomization process</u> ;		This function can be provided by Johnson., although cards are moved into a multiplicity of compartments, <b>there is not</b> "...a single mixing compartment."
an image capture system that can identify at least the rank of each card as it is moved towards, into or through the card mixing compartment, but before removal from the device;	Johnson discloses card reading before deposit into the carousel on column 5, lines 7-11.	
a card mixing compartment that identifies a position for each card in each set of cards formed in the card mixing compartment,		As Johnson can separate cards by suit and rank, it can identify the location of individual cards in separate compartments, but not in a card mixing compartment.
a memory that records at least the rank of each card in each set of cards formed in the card mixing compartment;		Johnson may temporarily have a memory of where at least some individual cards are located.
wherein the card mixing compartment comprises a plurality of substantially vertical		<b>Johnson shows a carousel, which is not a substantially vertical support, but has multiple radial</b>

**BRIEF ON APPEAL**

Serial Number: 10/623,2234

Filing Date: July 17, 2004

Title: CARD SHUFFLER WITH CARD RANK AND VALUE READING

Page 23 of 47

Docket No.: PA0863.ap.US

supports, an opening for the passage of cards from the in-feed compartment, a moveable lower support surface; at least one stationary gripping element, <u>a gripping arm</u> , a lower edge proximate the opening, the gripping arm capable of suspending cards above the opening; and		<b>compartments. Johnson does not teach gripping elements or gripping arms capable of suspending cards above an opening.</b>
an elevator for raising and lowering the moveable support surface.		<b>There is no elevator in Johnson.</b>

This rejection is completely in error as shown by the word-by-word, clause by clause comparison of the limitations of the claims. The rejection must be withdrawn.

The following claim chart will illustrate why the rejection under 35 USC 102(e) is in error with respect to claim 37. This rejection must fail.

<b>CLAIM 37</b>	<b>JOHNSON</b>	<b>COMMENTS</b>
A method of randomizing a group of cards, comprising the steps of: placing a group of cards to be randomized into a card in-feed tray;	Disclosed by Johnson.	
removing cards individually from the card in-feed tray and delivering the cards into	Cards are moved individually.	
a card collection area, the card collection area having a moveable lower surface, and a stationary opening for receiving cards from the in-		<b>Johnson has multiple compartments, not a card collection area with a stationary opening. The openings for all carousel</b>

**BRIEF ON APPEAL**

Serial Number: 10/623,2234

Filing Date: July 17, 2004

Title: CARD SHUFFLER WITH CARD RANK AND VALUE READING

Page 24 of 47

Docket No.: PA0863.ap.US

feed tray;		<b>compartments move with the rotation and the openings are not stationary.</b>
elevating the moveable lower surface to a randomly determined height;		Johnson rotates compartments to angular positions, the height being insignificant.
grasping at least one edge of a group of cards in the card collection area at a point just above the stationary opening;	<b>Johnson never grips edges of cards. Even the rollers grip faces of cards.</b>	
lowering the moveable lower surface to create an opening in a stack of cards formed on the lower surface, the opening located just beneath a lowermost point where the cards are grasped;	<b>Johnson never lowers the moveable surfaces to create an opening, and cannot create an opening between cards.</b>	
inserting a card removed from the in-feed tray into the opening;	<b>As Johnson does not have this "opening" (the stationary opening), this step cannot be performed.</b>	
after randomizing all cards, elevating a collection of randomized cards; and	<b>There is no elevation of a collection of randomized cards, but rotation of those cards.</b>	
reading at least the rank of each card after it is individually removed from the card in-feed tray and before it has been inserted into the opening.	Although Johnson reads cards, there is no opening for them to be passed through as recited in the claims.	

As can be seen, Johnson fails to show numerous limitations in the claims that are recited in the claim 37. The rejection is in error and must be withdrawn.



**BRIEF ON APPEAL**

Serial Number: 10/623,2234

Filing Date: July 17, 2004

Title: CARD SHUFFLER WITH CARD RANK AND VALUE READING

Page 25 of 47

Docket No.: PA0863.ap.US

The following claim chart will illustrate why the rejection under 35 USC 102(e) is in error with respect to claim 43. This rejection must fail.

CLAIM 43	JOHNSON	COMMENTS
An automatic card shuffler comprising:	Johnson has a card shuffler.	
a housing capable of being mounted into a gaming table surface;	There are no attributes enabling mounting into a table. The direction of card insertion and card removal is inherently negative to such mounting.	
a card receiver for accepting a group of cards to be shuffled;	"...holding means 12..."	
a randomizing system for randomizing the order of an initial set of playing cards wherein an image capture device identifies at least the rank of each card in the initial set of playing cards before each card is positioned on a collection surface for receiving randomized cards;	Johnson may randomize cards, and Johnson discloses card reading before deposit into the carousel on column 5, lines 7-11.	
the a single collection surface for receiving <u>all</u> randomized cards;		<b>Johnson has multiple carousel compartments, not a single collection surface for all cards.</b>
an elevator for raising the collection surface to an elevation proximate the gaming table surface; and		<b>There is no Johnson elevator.</b>
a microprocessor for controlling the operation of the card shuffler.		Johnson does have a processor for control of the device.

Johnson clearly fails to show deposition of all playing cards onto a single collection surface.

**BRIEF ON APPEAL**

Serial Number: 10/623,2234

Filing Date: July 17, 2004

Title: CARD SHUFFLER WITH CARD RANK AND VALUE READING

Page 26 of 47

Docket No.: PA0863.ap.US

The following claim chart will illustrate why the rejection under 35 USC 102(e) is in error with respect to claim 45. This rejection must fail.

<b>CLAIM 45</b>	<b>JOHNSON</b>	<b>COMMENTS</b>
An automatic card shuffler, comprising:		Johnson discloses a card shuffler.
a microprocessor;		Johnson has a microprocessor and a card randomization process.
a card randomization mechanism;		
a controller for controlling the card randomization mechanism by means of a user-manipulated remote control device; and		<b>Johnson does not disclose a remote control device on a playing card shuffler.</b>
a card moving sequence programmed in memory that enables the automatic card shuffler to move a set of cards from a card receiving position to a card collection area in the shuffler in a non-shuffling event,		<b>Johnson teaches multiple compartments in a carousel, not a card collection area.</b>
and to read the rank and suit of each card between the card receiving position and the card collection area in the non-shuffling event.		Johnson does disclose card reading before movement into the carousel.

This rejection is in error. **Johnson clearly does not disclose a remote control device on a playing card shuffler.**

The following claim chart will illustrate why the rejection under 35 USC 102(e) is in error with respect to claim 46. This rejection must fail.

<b>CLAIM 46</b>	<b>JOHNSON</b>	<b>COMMENTS</b>
A device for forming a	Generally disclosed by	

**BRIEF ON APPEAL**

Serial Number: 10/623,2234

Filing Date: July 17, 2004

Title: CARD SHUFFLER WITH CARD RANK AND VALUE READING

Page 27 of 47

Docket No.: PA0863.ap.US

random set of playing cards comprising:	Johnson.	
a top surface and a bottom surface of said device;	Inherent in any apparatus.	
a single card receiving area for receiving an initial set of playing cards;	"...holding means 12..."	
a randomizing system for randomizing the order of an initial set of playing cards;	Johnson shuffles cards.	
a <u>single</u> collection surface in a card collection area for receiving randomized playing cards one at a time into the single card collection area to form a single randomized set of playing cards, the single collection surface receiving cards so that all playing cards from the initial set of playing cards are received below the top surface of the device		<b>Johnson does not have a single collection surface for collecting cards but has a carousel with multiple compartments that receive cards.</b>
an image capture device that reads the rank and suit of each card after it has begun leaving the single card receiving area and before being received on the single card collection surface; and		Johnson has a playing card reading sensor.
access <u>into an open area comprising 2, 3 or 4 vertical supports</u> for removal of the single randomized set of playing cards as a complete set.		The delivery tray eventually receives all randomized playing cards.

**BRIEF ON APPEAL**

Serial Number: 10/623,2234

Filing Date: July 17, 2004

Title: CARD SHUFFLER WITH CARD RANK AND VALUE READING

Page 28 of 47

Docket No.: PA0863.ap.US

Johnson does not disclose the use of a single surface for receiving randomized cards. Johnson cannot perform this step or provide that structure. Johnson does not show the 2, 3 or 4 vertical supports, but only shows a ledge with a single angled support for catching the cards dropped into the delivery tray. The vertical supports, as opposed to the angled support of Johnson perform different functions. Johnson actually catches cards as they slide into the delivery tray. The 2, 3 or 4 vertical supports prevent the cards from sliding in various directions as the cards are moved by the single card collection surface. The present claimed technology would avoid the use of a sloped surface as shown by Johnson as that would allow too much slippage of the cards. Johnson can tolerate such slippage because the angled elevated portion of the delivery tray does not move and is a passive stop for cards dropped into the delivery tray. This claim is not anticipated by Johnson.

The following claim chart will illustrate why the rejection under 35 USC 102(e) is in error with respect to claim 54. This rejection must fail.

<b>CLAIM 54</b>	<b>JOHNSON</b>	<b>COMMENTS</b>
A device for shuffling cards, comprising:	See above.	
a card receiving area for receiving an initial set of unshuffled cards;	See above.	
a card randomizing system for randomizing an order of the cards;	See above	
a first sensor for sensing a position of cards between the card receiving area and the card randomizing system;	See above.	
a second sensor for sensing rank and/or suit or each card; and a microprocessor that activates the second sensor upon receiving a card	<b>Johnson discloses only one sensor at position 15. There is no activation function in the sensor as recited in this claim.</b>	

present signal from the first sensor.	<b>There is no second sensor shown.</b>	
---------------------------------------	---	--

Each of these independent claims has been shown to be novel over the disclosure of Johnson. All dependent claims are also inherently and legally novel over Johnson. All claims in this rejection have been shown to be novel and the rejection must be withdrawn.

**2. Claims 6, 9-11, 24-28, 35-36, 38 and 40 have been rejected under 35 USC 103(a) as unpatentable over Johnson in view of US Patent No. 5,683,085 (Johnson II).**

Each of these claims is dependent claims from the claims rejected in paragraph 7 of the Final Rejection. The additional Johnson II reference does not teach the limitations that were the basis for establishing Novelty under 35 USC 102(b) and there is no basis for asserting those limitations to be obvious from the individual or combined teachings of these references. Johnson II also fails to show card supporting elements in the card collection area, elevator covers, moving elevators, and the like. The rejection must fail for at least that reason, even without conceding that Johnson II does or does not teach the limitations for which it has been cited.

Although Johnson does show an elevator and grippers, the elevators do not raise cards up to or above the top of the device as recited in claim 1. Rather, cards are removed from the bottom of the stack on the elevator and transmitted to the delivery device 43. Johnson et al. ('085) also shows a sensor with a trigger function, but again does not meet the structural performance of elevating cards to or above the surface (the top) for removal by a dealer.

The limitation in claim 1 is "...an elevator for raising the collection surface so that at least some randomized cards are elevated at least to the top surface of the device; and..." and this limitation is not shown by Johnson II and because of the bottom pick-off

delivery by Johnson II, this feature could not be added without completely destroying the underlying operation of Johnson II. The rejection is in error.

**3. Claims 12-13 and 48 have been rejected under 35 USC 103(a) as unpatentable over Johnson in view of US Patent No. 5,683,085 (Johnson II) when further considered with US Patent No. 6,250,632 (Albrecht).**

Each of these claims is dependent claims from the claims rejected in paragraph 7 or paragraph 8. The additional Albrecht reference does not teach the limitations that were the basis for establishing Novelty under 35 USC 102(b) and unobviousness under 35 USC 103(a) in paragraph 8 and there is no basis for asserting those limitations to be obvious from the individual or combined teachings of these references. The rejection must fail for at least that reason, even without conceding that Albrecht does or does not teach the limitations for which it has been cited.

Claims 12-13, for example, address fine control of the collection surface on the elevator position. The elevator shaft of Johnson II is stationary during shuffling, and the grippers instead move up and down adjacent the shaft. There is no teaching or suggestion of this limitation from the combination of references.

**4. Claims 14-21 and 26-28 have been rejected under 35 USC 103(a) as unpatentable over Johnson in view of US Patent No. 5,683,085 (Johnson II) when further considered with Purton et al. (International Patent Application Publication WO 00/51076).**

Each of these claims is a dependent claim from the claims rejected in paragraph 7 and paragraph 8. The additional Purton reference does not teach the limitations that were the basis for establishing Novelty under 35 USC 102(b) and unobviousness under 35 USC 103(a) and there is no basis for asserting those limitations to be obvious from the individual or combined teachings of these references. The rejection must fail for at least

that reason, even without conceding that Purton does or does not teach the limitations for which it has been cited. Again, the elevator shaft of Johnson II is stationary and the grippers move up and down adjacent the shaft. Johnson does not raise cards to the top of the device.

**5. Claims 2, 44 and 49 have been rejected under 35 USC 103(a) as unpatentable over Johnson in view of US Patent No. 5,683,085 (Johnson II).**

Each of these claims is dependent claims from the claims rejected in paragraph 7. The additional Johnson II reference does not teach the limitations that were the basis for establishing Novelty under 35 USC 102(b) and there is no basis for asserting those limitations to be obvious from the individual or combined teachings of these references. The rejection must fail for at least that reason, even without conceding that Johnson II does or does not teach the limitations for which it has been cited.

Johnson II, as repeatedly noted above, does not teach elevating a complete set of cards as described in claims 2 and 44. Cards are moved from the bottom of the stack, not raised to the top surface for manual removal. **There is no moveable cover.** Cards are delivered from the bottom of the stack to a delivery shoe structure. Johnson II does not overcome the deficiencies of Johnson.

**BRIEF ON APPEAL**

Serial Number: 10/623,2234

Filing Date: July 17, 2004

Title: CARD SHUFFLER WITH CARD RANK AND VALUE READING

Page 32 of 47

Docket No.: PA0863.ap.US

**CONCLUSION**

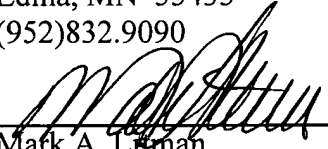
All rejections of record have been shown in detail to be in error. The rejection should be reversed and all claims should be indicated as allowable.

Applicants believe the claims are in condition for allowance and request reconsideration of the application and allowance of the claims. The Examiner is invited to telephone the below-signed attorney at 952-832-9090 to discuss any questions that may remain with respect to the present application.

Respectfully submitted,  
ATTILA GRAUZER et al.  
By their Representatives,  
MARK A. LITMAN & ASSOCIATES, P.A.  
York Business Center, Suite 205  
3209 West 76<sup>th</sup> Street  
Edina, MN 55435  
(952)832.9090

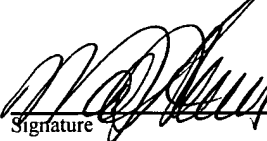
Date 23 April 2008

By

  
Mark A. Litman  
Reg. No. 26,390

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Box: APPEAL BRIEF - PATENTS, P.O. BOX 1450; Commissioner for Patents, Alexandria, VA 22313-1450 on APRIL 23, 2008.

Name: Mark A. Litman

  
Signature





## CLAIMS APPENDIX

1. (ON APPEAL) A device for forming a random set of playing cards comprising:
  - a top surface and a bottom surface of said device;
  - a single card receiving area for receiving an initial set of playing cards;
  - a randomizing system for randomizing the order of an initial set of playing cards;
  - a collection surface in a card collection area for receiving randomized playing cards one at a time into the card collection area, the collection surface receiving cards so that all cards are received below the top surface of the device;
  - an image capture device that reads the rank and suit of each card before being received on the card collection surface;
  - an elevator for raising the collection surface so that at least some randomized cards are elevated at least to the top surface of the device; and
  - a moveable cover over the elevator.
2. (ON APPEAL) The device of claim 1 wherein the elevator raises all randomized cards above the top surface of the device and the moveable cover is automatically raised to allow the randomized cards to rise above the top surface of the device.
3. (ON APPEAL) The device of claim 1 wherein at least one pick-off roller removes cards one at a time from the card receiving area and moves cards one at a time towards the randomizing system and the image capture device can read a card only after it has been moved by the at least one pick-off roller.
4. (ON APPEAL) The device of claim 3 wherein at least one pair of rollers receives each card from the at least one pick-off roller before the image capture device can read each card.

5. (ON APPEAL) The device of claim 4 wherein a microprocessor controls movement of the pick-off roller and the at least one pair of rollers.

6. (ON APPEAL) The device of claim 4 wherein when a first card being moved by the pick-off roller is being moved by the at least one pair of rollers, movement of the pick-off roller is altered so that no card other than the first card is moved by either the pick-off roller or the at least one pair of rollers.

7. (ON APPEAL) The device of claim 1 wherein the randomization system moves one card at a time into an area overlying the collection surface after the one card has been read for suit and rank.

8. (ON APPEAL) The device of claim 1 wherein one card at a time is positioned into a randomized set of playing cards over the collection surface.

9. (ON APPEAL) The device of claim 7 wherein the collection area is bordered on two opposed sides by two movable card gripping elements.

10. (ON APPEAL) The device of claim 9 wherein an insertion point to the card collection area is located below a bottom edge of the two movable card gripping elements.

11. (ON APPEAL) The device of claim 9 wherein the card collection surface is vertically positionable within the card collection area.

---

12. (ON APPEAL) The device of claim 11 wherein the card collection surface is moved by a motivator that is able to move incremental vertical distances that are less than the thickness of a playing card.

13. (ON APPEAL) The device of claim 12 wherein the motor is a stepper motor or an analog motor.

14. (ON APPEAL) The device of claim 1 wherein a sensor is present along a line of movement of cards in the device within the single card receiving area or adjacent the single card receiving area and after the image capture device, the sensor indicating a trigger position of a moving card to initiate a timed capture of an image by the image capture device.

15. (ON APPEAL) The device of claim 14 wherein at least one microprocessor is present in the device and the at least one microprocessor controls vertical movement of the card collection surface and camera triggering.

16. (ON APPEAL) The device of claim 14 wherein at least a second sensor identifies the position of the card collection surface so as to place a top card in the collection area at a position that is level with or above the bottom of at least one card gripping element that is movable from at least one side of the collection area towards playing cards within the card collection area.

17. (ON APPEAL) The device of claim 15 wherein the microprocessor is programmed to determine a distance that the card collection surface must be vertically moved to position at least one specific card at a bottom edge of the at least one card gripping

---

element when the card gripping element moves to contact cards within the card collection area.

18. (ON APPEAL) The device of claim 16 wherein the at least one card gripping element comprises at least two gripping elements, at least one of which moves from a side of the collection area towards playing cards within the card collection area.

19. (ON APPEAL) The device of claim 15 wherein the microprocessor directs movement of an individual card into a gap in cards in the collection area between two segments of cards created by support of cards by at least one card gripping element.

20. (ON APPEAL) The device of claim 17 wherein the microprocessor is programmed to lower the card collection surface within the card collection area after the at least one element has contacted and supported cards within the card collection area, creating two segments of cards and a gap between the segments.

21. (ON APPEAL) The device of claim 20 wherein the microprocessor directs movement of an individual card into the gap, between the two segments of cards.

22. (ON APPEAL) The device of claim 1 wherein a microprocessor is controllably connected to the device, the microprocessor directing movement of playing card moving elements within the device, the microprocessor randomly assigning potential positions for each card within the initial set of playing cards, and then directing the device to arrange the initial set of playing cards into those randomly assigned potential positions to form a randomized final set of playing cards with each card in the randomized set having been read for at least rank.

23. (ON APPEAL) A device for forming a random set of playing cards comprising:

- a top surface and a bottom surface of said device;

- a receiving area for an initial set of playing cards;

- a randomizing system for randomizing initial set of playing cards;

- a collection surface in a card collection area for receiving randomized playing cards;

- an elevator for raising the collection surface within the card collection area;

- at least one card supporting element within the card collection area that will support a predetermined number of cards within the card collection area; and

- an image capture system that can read at least the rank of each at least one card before it is inserted into a set of cards at a position below the predetermined number of cards.

24. (ON APPEAL) The device of claim 23 wherein an at least one card supporting element comprises an element on at least one side of the card collection area that can move inwardly within the card collection area to contact and support the predetermined number of cards within the card collection area.

25. (ON APPEAL) The device of claim 24 wherein the at least one card supporting element comprises at least two opposed card supporting elements that move inwardly within the card collection area to contact and support the predetermined number of cards within the card collection area.

26. (ON APPEAL) The device of claim 23 wherein a microprocessor is communicatively connected to the device and the microprocessor is programmed to determine a distance that the card collection surface must be vertically moved to position at least one specific card position other than the top card at a bottom edge of the at least

---

one card supporting element when the card supporting element moves to contact cards within the card collection area.

27. (ON APPEAL) The device of claim 24 wherein a microprocessor communicatively connected to the device is programmed to lower the card collection surface within the card collection area after the at least one card supporting element has contacted and supported cards within the card collection area, creating two segments of cards and a gap between the segments.

28. (ON APPEAL) The device of claim 27 wherein the microprocessor directs movement of an individual card into the gap between the two segments of cards.

29. (ON APPEAL) The device of claim 23 wherein a memory records the reading of each at least one card inserted into a set of cards and the position of each card within the final set of cards is identified to create an index of all cards in a final set of cards.

30. (ON APPEAL) A device for forming a random set of playing cards comprising:

- a top surface and a bottom surface of said device;

- a single card receiving area for receiving an initial set of playing cards;

- a randomizing system for randomizing the order of an initial set of playing cards;

- a collection surface in a card collection area for receiving randomized playing cards one at a time into the card collection area, the collection surface receiving cards so that all cards are received below the top surface of the device;

- an image capture device that reads the rank and suit of each card after it has begun leaving the single card receiving area and before being received on the card collection surface;

an elevator for raising the collection surface so that at least some randomized cards are elevated at least to the top surface of the device; and  
a moveable cover over the elevator.

31. (ON APPEAL) An automatic card shuffling device comprising:

a microprocessor with memory for controlling the operation of the device;  
an in-feed compartment for receiving cards to be randomized;  
a card moving mechanism for moving cards individually from the in-feed compartment into a single card mixing compartment that receives all cards during a randomization process;

an image capture system that can identify at least the rank of each card as it is moved towards, into or through the card mixing compartment, but before removal from the device;

a card mixing compartment that identifies a position for each card in each set of cards formed in the card mixing compartment,

a memory that records at least the rank of each card in each set of cards formed in the card mixing compartment; wherein the card mixing compartment comprises a plurality of substantially vertical supports, an opening for the passage of cards from the in-feed compartment, a moveable lower support surface; at least one stationary gripping element, a gripping arm, a lower edge proximate the opening, the gripping arm capable of suspending cards above the opening; and

an elevator for raising and lowering the moveable support surface.

32. (ON APPEAL) The device of claim 31 wherein the image capture system identifies at least suit and rank for each card as it is moved towards, into or through the card mixing department, but before removal from the device.

33. (ON APPEAL) The device of claim 31 wherein a final set of cards comprising all cards and at least fifty-two cards in the device are recorded in memory informationally connected to the device with respect to position within the final set and at least the rank of each card in the final set of cards.

34. (ON APPEAL) The device of claim 33 wherein suit and rank of each card in the final set of cards is recorded.

35. (ON APPEAL) The device of claim 34 wherein a position of the elevator is randomly selectable and the support surface is movable to the selected position, and after the gripping element grasps at least one side of the cards, the elevator lowers, creating a space beneath the gripping element, wherein a card is moved from the in-feed compartment through the opening and into the space, thereby randomizing the cards.

36. (ON APPEAL) The device of claim 35 wherein two stationary gripping elements are provided to grip opposite sides of a set of cards in the mixing compartment.

37. (ON APPEAL) A method of randomizing a group of cards, comprising the steps of:  
    placing a group of cards to be randomized into a card in-feed tray;  
    removing cards individually from the card in-feed tray and delivering the cards into a card collection area, the card collection area having a moveable lower surface, and a stationary opening for receiving cards from the in-feed tray;  
    elevating the moveable lower surface to a randomly determined height;  
    grasping at least one edge of a group of cards in the card collection area at a point just above the stationary opening;



lowering the moveable lower surface to create an opening in a stack of cards formed on the lower surface, the opening located just beneath a lowermost point where the cards are grasped;

inserting a card removed from the in-feed tray into the opening;

after randomizing all cards, elevating a collection of randomized cards; and

reading at least the rank of each card after it is individually removed from the card in-feed tray and before it has been inserted into the opening.

38. (ON APPEAL) The method of claim 37 wherein after a card has been inserted, and when a presence of at least one additional card in the card in-feed tray is sensed, the elevator moves to another randomly determined height, creating another opening.

39. (ON APPEAL) A method of arranging a group of cards into a desired order in a computer controlled automatic card shuffler, the card shuffler comprising an in-feed tray, a feed mechanism, a card arranging area, a retaining device for suspending cards in the card arranging area, a lower support surface in the card arranging area and an elevator for raising and lowering the lower support surface, the method comprising:

a) assigning each card in the in-feed tray a final order; and

b) feeding each card individually into the card arranging area after at least the rank of each card has been mechanically read to form a final set of cards.

40. (ON APPEAL) The method of claim 39 wherein the lower support surface is lowered beneath an elevation of the card feed mechanism when the computer instructs that the card being fed is to be placed on top of the stack,

a) suspending all cards in the card arranging area by means of the retaining device when the computer instructs that the card being fed is to be placed on the bottom of the stack, and

b) instructing the elevator to move, causing the lower support surface to adjust to a preselected elevation, retaining a subgroup of cards above a feed elevation and lowering the lower surface, creating an opening, and placing a card between the subgroup of suspended cards and the remaining cards supported by the lower support surface.

41. (ON APPEAL) The method of claim 39 wherein the final order is random and each individual card in the final set of cards is identified by at least rank and position within the final set of cards.

42. (ON APPEAL) The method of claim 41 wherein each individual card in the final set of cards is identified by at least rank, suit and position within the final set of cards.

43. (ON APPEAL) An automatic card shuffler comprising:

a housing capable of being mounted into a gaming table surface;

a card receiver for accepting a group of cards to be shuffled;

a randomizing system for randomizing the order of an initial set of playing cards;

a single collection surface for receiving all randomized cards;

an elevator for raising the collection surface to an elevation proximate the gaming table surface; and

a microprocessor for controlling the operation of the card shuffler.

44. (ON APPEAL) The automatic card shuffler of claim 43 further comprising an automatically movable cover that is closed at least part of the time over at least one of the card receiver and collection surface.

45. (ON APPEAL) An automatic card shuffler, comprising:

a microprocessor;

a card randomization mechanism;

a controller for controlling the card randomization mechanism by means of a user-manipulated remote control device; and

a card moving sequence programmed in memory that enables the automatic card shuffler to move a set of cards from a card receiving position to a card collection area in the shuffler in a non-shuffling event, and to read the rank and suit of each card between the card receiving position and the card collection area in the non-shuffling event.

46. (ON APPEAL) A device for forming a random set of playing cards comprising:

a top surface and a bottom surface of said device;

a single card receiving area for receiving an initial set of playing cards;

a randomizing system for randomizing the order of an initial set of playing cards;

a single collection surface in a card collection area for receiving randomized playing cards one at a time into the single card collection area to form a single randomized set of playing cards, the single collection surface receiving cards so that all playing cards from the initial set of playing cards are received below the top surface of the device;

an image capture device that reads the rank and suit of each card after it has begun leaving the single card receiving area and before being received on the single card collection surface; and

access into an open area comprising 2, 3 or 4 vertical supports for removal of the single randomized set of playing cards as a complete set.

47. (ON APPEAL) The device of claim 46 wherein the playing card collection surface comprises a surface that is moved by an elevator.

---

48. (ON APPEAL) The device of claim 47 wherein an elevator for raising the playing card collection surface so that at least some randomized cards are elevated above to the top surface of the device for removal as the access.

49. (ON APPEAL) The device of claim 48 wherein there is an automatically moveable cover over the elevator as part of the access.

50. (ON APPEAL) The device of claim 46 wherein multiple playing cards are present only in the single card receiving area and the single card collection area

51. (ON APPEAL) The device of claim 1 wherein a program is embedded in memory in the device that can be activated to move cards from the card receiving area to the card collection area without randomization, the rank and suit of each card being read between the card receiving area and the card collection area to verify the content of a complete set of cards placed into the card receiving area.

52. (ON APPEAL) The automatic card shuffler of claim 43 wherein a program is embedded in memory in the device that can be activated to move cards from the card receiving area to the card collection area without randomization, the rank and suit of each card being read between the card receiving area and the card collection area to verify the content of a complete set of cards placed into the card receiving area.

53. (ON APPEAL) The device of claim 46 wherein a program is embedded in memory in the device that can be activated to move cards from the card receiving area to the card collection area without randomization, the rank and suit of each card being read between the card receiving area and the card collection area to verify the content of a complete set of cards placed into the card receiving area.

54. (ON APPEAL) A device for shuffling cards, comprising:

- a card receiving area for receiving an initial set of unshuffled cards;
- a card randomizing system for randomizing an order of the cards;
- a first sensor for sensing a position of cards between the card receiving area and the card randomizing system; a second sensor for sensing rank and/or suit of each card; and a microprocessor that activates the second sensor upon receiving a card present signal from the first sensor.

55. (ON APPEAL) A device for forming a random set of playing cards comprising:

- a top surface and a bottom surface of said device;
- a single card receiving area for receiving an initial set of playing cards;
- a randomizing system for randomizing the order of an initial set of playing cards;
- a single collection surface in a card collection area for receiving randomized playing cards one at a time into the card collection area, the collection surface receiving cards so that all cards are received above the single collection surface and below the top surface of the device;
- an elevator for raising the single collection surface to raise at least some randomized cards; and
- a moveable cover over the elevator.

**BRIEF ON APPEAL**

Serial Number: 10/623,2234

Filing Date: July 17, 2004

Title: CARD SHUFFLER WITH CARD RANK AND VALUE READING

---

Page 46 of 47

Docket No.: PA0863.ap.US

**EVIDENCE APPENDIX**

Neither Appellants nor their counsel in this Appeal are aware of any secondary or supplemental evidence submitted during the prosecution of this Application that must be considered by the Board of patent Appeals in this decision.

**BRIEF ON APPEAL**

Serial Number: 10/623,2234

Filing Date: July 17, 2004

Title: CARD SHUFFLER WITH CARD RANK AND VALUE READING

---

Page 47 of 47

Docket No.: PA0863.ap.US

**RELATED PROCEEDINGS APPENDIX**

Neither Appellants nor their counsel on this Appeal are aware of any proceedings before the US Patent and Trademark Office or any US Judicial or Quasi-Judicial authority that relates directly towards any issues in this Appeal.